

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

DORIS ANN SCOTT, et al.

Plaintiffs,

vs.

TREVOR FOLEY, et al.

Defendants.

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Case No.: 2:24-cv-04107-MDH

**DEFENDANT BROWN AND VARNER'S ANSWER TO  
PLAINTIFFS' SECOND AMENDED COMPLAINT**

Defendants Aaron Brown and Gregory Varner, by and through their undersigned counsel, submit their Answer to Plaintiffs' Second Amended Complaint (Doc. 112) as follows:

1. To the extent Paragraph 1 makes factual allegations against these Defendants, they are denied in full.
2. These Defendants deny the allegations against them contained in Paragraph 2. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 2 and therefore deny the same.
3. These Defendants deny the allegations against them contained in Paragraph 3. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 3 and therefore deny the same.

4. These Defendants deny the allegations against them contained in Paragraph 4. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 4 and therefore deny the same.

5. These Defendants deny the allegations against them contained in Paragraph 5. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph , and therefore deny the same

6. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 6 and therefore deny the same.

7. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 7 and therefore deny the same.

8. The allegations in Paragraph 8 are conclusions of law requiring no response.

9. The allegations in Paragraph 9 are conclusions of law requiring no response.

10. The allegations in Paragraph 10 are conclusions of law requiring no response.

11. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 11 and therefore deny the same.

12. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 12 and therefore deny the same.

13. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 13 and therefore deny the same.

14. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 14 and therefore deny the same.

15. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 15 and therefore deny the same.

16. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 16 and therefore deny the same.

17. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 17 and therefore deny the same.

18. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 18 and therefore deny the same.

19. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 19 and therefore deny the same.

20. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 20 and therefore deny the same.

21. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 21 and therefore deny the same.

22. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 22 and therefore deny the same.

23. These Defendants at this time are without sufficient information to admit or deny the allegations of Paragraph 23 and therefore deny the same.

24. These Defendants at this time are without sufficient information to admit or deny the allegations of Paragraph 24 and therefore deny the same.

25. These Defendants admit that Aaron Brown was an employee of the Missouri Department of Corrections on December 8, 2023, and a resident of the State of Missouri. These Defendants deny the remainder of the allegations in Paragraph 25.

26. These Defendants admit that Gregory Varner was an employee of the Missouri Department of Corrections on December 8, 2023, and a resident of the State of Missouri. These Defendants deny the remainder of the allegations in Paragraph 26.

27. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 27 and therefore deny the same.

28. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 28 and therefore deny the same.

29. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 29 and therefore deny the same.

30. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 30 and therefore deny the same.

31. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 31 and therefore deny the same.

32. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 32 and therefore deny the same.

33. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 33 and therefore deny the same.

34. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 34 and therefore deny the same.

35. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 35 and therefore deny the same.

36. These Defendants deny the allegations against them contained in Paragraph 36. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 36 made against other individuals and therefore deny the same.

37. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 37 and therefore deny the same.

38. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 38 and therefore deny the same.

39. These Defendants deny the allegations of Paragraph 39.

40. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 40 and therefore deny the same.

41. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 41 and therefore deny the same.

42. These Defendants deny the allegations of Paragraph 42.

43. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 43 and therefore deny the same.

44. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 44 and therefore deny the same.

45. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 45 and therefore deny the same.

46. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 46 and therefore deny the same.

47. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 47 and therefore deny the same.

48. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 48 and therefore deny the same.

49. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 49 and therefore deny the same.

50. These Defendants deny the allegations against them contained in Paragraph 50.

51. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 51 and therefore deny the same.

52. These Defendants deny the allegations against them contained in Paragraph 52. . These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 52 made against other individuals and therefore deny the same.

53. These Defendants deny the allegations against them contained in Paragraph 53. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 53 made against other individuals and therefore deny the same.

54. These Defendants deny the allegations against them contained in Paragraph 54. These Defendants, at this time, are without sufficient information to admit or deny the

remainder of the allegations of Paragraph 54 made against other individuals and therefore deny the same.

55. These Defendants deny the allegations against them contained in Paragraph 55. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 55, and therefore deny the same.

56. These Defendants deny the allegations against them contained in Paragraph 56. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 56, and therefore deny the same.

57. These Defendants deny the allegations against them contained in Paragraph 57. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 57, and therefore deny the same.

58. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 58, and therefore deny the same.

59. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 59, and therefore deny the same.

60. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 60, and therefore deny the same.

61. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 61, and therefore deny the same.

62. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 62, and therefore deny the same.

63. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 63, and therefore deny the same.

64. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 64, and therefore deny the same.

65. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 65, and therefore deny the same.

66. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 66, and therefore deny the same.

67. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 67, and therefore deny the same.

68. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 68, and therefore deny the same.

69. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 69, and therefore deny the same.

70. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 70, and therefore deny the same.

71. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 71, and therefore deny the same.

72. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 72, and therefore deny the same.

73. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 73, and therefore deny the same.



74. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 74, and therefore deny the same.

75. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 75, and therefore deny the same.

76. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 76, and therefore deny the same.

77. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 77, and therefore deny the same.

78. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 78, and therefore deny the same.

79. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 79, and therefore deny the same.

80. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 80, and therefore deny the same.

81. These Defendants deny the allegations against them contained in Paragraph 81. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 81, and therefore deny the same.

82. These Defendants deny the allegations against them contained in Paragraph 82. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 82, and therefore deny the same.

83. These Defendants deny the allegations against them contained in Paragraph 83, including the allegations in subparts (a) – (c). These Defendants, at this time, are

without sufficient information to admit or deny the remainder of the allegations of Paragraph 83, including the allegations in subparts (a) – (c), and therefore deny the same.

84. These Defendants deny the allegations against them contained in Paragraph 84. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 84, and therefore deny the same.

85. These Defendants deny the allegations against them contained in Paragraph 85. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 85, and therefore deny the same.

86. These Defendants deny the allegations against them contained in Paragraph 86. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 86, and therefore deny the same.

87. These Defendants deny the allegations against them contained in Paragraph 87. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 87, and therefore deny the same.

88. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 88, and therefore deny the same.

89. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 89, and therefore deny the same.

90. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 90, and therefore deny the same.

91. These Defendants, at this time, are without sufficient information to admit or deny the allegations contained in Paragraph 91, and therefore deny the same.

92. These Defendants deny the allegations against them contained in Paragraph 92. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 92, and therefore deny the same.

93. These Defendants deny the allegations contained in Paragraph 93.

94. These Defendants deny the allegations against them contained in Paragraph 94. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 94, and therefore deny the same.

95. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 95, and therefore deny the same.

96. These Defendants deny the allegations contained in Paragraph 96.

97. These Defendants deny the allegations against them contained in Paragraph 97. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 97, and therefore deny the same.

98. These Defendants deny the allegations against them contained in Paragraph 98. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 98, and therefore deny the same.

99. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 99, and therefore deny the same.

100. These Defendants deny the allegations against them contained in Paragraph 100. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 100, and therefore deny the same.

101. These Defendants deny the allegations against them contained in Paragraph 101. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 101, and therefore deny the same.

102. These Defendants deny the allegations against them contained in Paragraph 102. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 102, and therefore deny the same.

103. These Defendants deny the allegations against them contained in Paragraph 100. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 103, and therefore deny the same.

### **Count I**

104. These Defendants incorporate herein by reference their answers to the allegations of Paragraphs 1 through 103 as if fully stated herein.

105. The allegations of Paragraph 105 are conclusions of law requiring no response.

106. The allegations in Paragraph 106 are conclusions of law requiring no response. To the extent a response is required, these Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 106, and therefore deny the same.

107. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 100, and therefore deny the same.

108. These Defendants deny the allegations against them contained in Paragraph 108. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 108, and therefore deny the same.

109. These Defendants deny the allegations against them contained in Paragraph 109. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 109, and therefore deny the same.

110. These Defendants deny the allegations against them contained in Paragraph 110. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 110, and therefore deny the same.

111. These Defendants deny the allegations against them contained in Paragraph 111. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 111, and therefore deny the same.

112. These Defendants deny the allegations against them contained in Paragraph 112. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 112, and therefore deny the same.

113. These Defendants deny the allegations against them contained in Paragraph 113. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 113, and therefore deny the same.

114. These Defendants deny the allegations against them contained in Paragraph 114. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 114, and therefore deny the same.

115. These Defendants deny the allegations against them contained in Paragraph 115. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 115, and therefore deny the same.

116. These Defendants deny the allegations against them contained in Paragraph 116, including the allegations in the “WHEREFORE” clause following Paragraph 116. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 116, and therefore deny the same.

## **Count II**

117. These Defendants incorporate herein by reference their answers to the allegations of Paragraphs 1 through 116 as if fully stated herein.

118. The allegations in Paragraph 118 are conclusions of law requiring no response.

119. The allegations in Paragraph 119 are conclusions of law requiring no response.

120. The allegations in Paragraph 120 are conclusions of law requiring no response. To the extent a response is required, these Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 120, and therefore deny the same.

121. These Defendants admit they were employed by the Missouri Department of Corrections on the date mentioned in Plaintiffs’ First Amended Complaint. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 121, and therefore deny the same.

122. These Defendants deny the allegations against them contained in Paragraph 122. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 122, and therefore deny the same.

123. These Defendants deny the allegations against them contained in Paragraph 123. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 123, and therefore deny the same.

124. These Defendants deny the allegations against them contained in Paragraph 124. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 124, and therefore deny the same.

125. These Defendants deny the allegations against them contained in Paragraph 125. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 125, and therefore deny the same.

126. These Defendants deny the allegations against them contained in Paragraph 126. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 126, and therefore deny the same.

127. These Defendants deny the allegations against them contained in Paragraph 127. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 127, and therefore deny the same.

128. These Defendants deny the allegations against them contained in Paragraph 128. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 128, and therefore deny the same.

129. These Defendants deny the allegations against them contained in Paragraph 129. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 129, and therefore deny the same.

130. These Defendants deny the allegations against them contained in Paragraph 130, including the allegations in the “WHEREFORE” clause following Paragraph 130. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 130, and therefore deny the same.

### **Count III**

131. These Defendants incorporate herein by reference their answers to the allegations of Paragraphs 1 through 130 as if fully stated herein.

132. These Defendants deny the allegations against them contained in Paragraph 132. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 132, and therefore deny the same.

133. These Defendants deny the allegations against them contained in Paragraph 133. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 133, and therefore deny the same.

134. These Defendants deny the allegations against them contained in Paragraph 134. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 134, and therefore deny the same.

135. The allegations in Paragraph 135 are conclusions of law requiring no response. To the extent a response is required, these Defendants, at this time, are without



sufficient information to admit or deny the allegations of Paragraph 135, and therefore deny the same.

136. These Defendants deny the allegations against them contained in Paragraph 134. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 136, and therefore deny the same.

137. These Defendants deny the allegations against them contained in Paragraph 137. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 137, and therefore deny the same.

138. These Defendants deny the allegations against them contained in Paragraph 138. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 138, and therefore deny the same.

139. These Defendants deny the allegations against them contained in Paragraph 139. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 139, and therefore deny the same.

140. These Defendants deny the allegations against them contained in Paragraph 140. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 140, and therefore deny the same.

141. These Defendants deny the allegations against them contained in Paragraph 141. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 141, and therefore deny the same.

142. These Defendants deny the allegations against them contained in Paragraph 142. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 142, and therefore deny the same.

143. These Defendants deny the allegations against them contained in Paragraph 143. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 143, and therefore deny the same.

144. These Defendants deny the allegations against them contained in Paragraph 144. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 144, and therefore deny the same.

145. These Defendants deny the allegations against them contained in Paragraph 145, including the allegations in the “WHEREFORE” clause following Paragraph 145. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 145, and therefore deny the same.

#### **Count IV**

146. These Defendants incorporate herein by reference their answers to the allegations of Paragraphs 1 through 145 as if fully stated herein.

147. These Defendants deny the allegations against them contained in Paragraph 147. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 147, and therefore deny the same.

148. These Defendants deny the allegations against them contained in Paragraph 148. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 148, and therefore deny the same.

149. These Defendants deny the allegations against them contained in Paragraph 149. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 149, and therefore deny the same.

150. These Defendants deny the allegations against them contained in Paragraph 150. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 150, and therefore deny the same.

151. These Defendants deny the allegations against them contained in Paragraph 151. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 151, and therefore deny the same.

152. These Defendants deny the allegations against them contained in Paragraph 152. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 152, and therefore deny the same.

153. These Defendants deny the allegations against them contained in Paragraph 153. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 153, and therefore deny the same.

154. These Defendants deny the allegations against them contained in Paragraph 154. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 154, and therefore deny the same.

155. These Defendants deny the allegations against them contained in Paragraph 155, including the allegations in the “WHEREFORE” clause following Paragraph 155. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 155, and therefore deny the same.

### **Count V**

The allegations in Count V are against Defendants other than Defendants Brown and Varner, therefore no response is required. To the extent a response is required, these Defendants answer Count V as follows:

156. These Defendants incorporate herein by reference their answers to the allegations of Paragraphs 1 through 155 as if fully stated herein.

157. These Defendants deny the allegations against them contained in Paragraph 157.

158. These Defendants deny the allegations against them contained in Paragraph 158.

159. These Defendants deny the allegations against them contained in Paragraph 159.

160. These Defendants deny the allegations against them contained in Paragraph 160.

161. These Defendants deny the allegations against them contained in Paragraph 161.

162. These Defendants deny the allegations against them contained in Paragraph 162.

163. These Defendants deny the allegations against them contained in Paragraph 163.

164. These Defendants deny the allegations against them contained in Paragraph 164.

165. These Defendants deny the allegations against them contained in Paragraph 165.

166. These Defendants deny the allegations against them contained in Paragraph 166.

167. These Defendants deny the allegations against them contained in Paragraph 167, including the allegations in the “WHEREFORE” clause following Paragraph 167.

### **Count VI**

The allegations in Count VI are against Defendants other than Defendants Brown and Varner, therefore no response is required. To the extent a response is required, these Defendants answer Count VI as follows:

168. These Defendants incorporate herein by reference their answers to the allegations of Paragraphs 1 through 167 as if fully stated herein.

169. These Defendants deny the allegations against them contained in Paragraph 169.

170. These Defendants deny the allegations against them contained in Paragraph 170.

171. These Defendants deny the allegations against them contained in Paragraph 171, including the allegations in the “WHEREFORE” clause following Paragraph 171.

### **Count VII**

The allegations in Count VII are against Defendants other than Defendants Brown and Varner, therefore no response is required. To the extent a response is required, these Defendants answer Count VII as follows:

172. These Defendants incorporate herein by reference their answers to the allegations of Paragraphs 1 through 172 as if fully stated herein.

173. These Defendants deny the allegations against them contained in Paragraph 173.

174. These Defendants deny the allegations against them contained in Paragraph 174.

175. These Defendants deny the allegations against them contained in Paragraph 175.

176. These Defendants deny the allegations against them contained in Paragraph 176.

177. These Defendants deny the allegations against them contained in Paragraph 177.

178. These Defendants deny the allegations against them contained in Paragraph 178.

179. These Defendants deny the allegations against them contained in Paragraph 179.

180. These Defendants deny the allegations against them contained in Paragraph 180.

181. These Defendants deny the allegations against them contained in Paragraph 181.

182. These Defendants deny the allegations against them contained in Paragraph 182, including the allegations in the “WHEREFORE” clause following Paragraph 182.

### **Count VIII**

183. These Defendants incorporate herein by reference their answers to the allegations of Paragraphs 1 through 182 as if fully stated herein.

184. The allegations in Paragraph 184 are conclusions of law requiring no response. To the extent a response is required, these Defendants deny the allegations of Paragraph 184.

185. These Defendants deny the allegations against them contained in Paragraph 185. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 185, and therefore deny the same.

186. These Defendants deny the allegations against them contained in Paragraph 186. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 186, and therefore deny the same.

187. These Defendants deny the allegations against them contained in Paragraph 187. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 187, and therefore deny the same.

188. These Defendants deny the allegations against them contained in Paragraph 188. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 188, and therefore deny the same.

189. These Defendants deny the allegations against them contained in Paragraph 189, including the allegations in the “WHEREFORE” clause following Paragraph 189. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 189, and therefore deny the same.

### **Count IX**

190. These Defendants incorporate herein by reference their answers to the allegations of Paragraphs 1 through 189 as if fully stated herein.

191. These Defendants deny the allegations against them contained in Paragraph 191. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 191, and therefore deny the same.

192. The allegations in Paragraph 192 are conclusions of law requiring no response.

193. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 193, and therefore deny the same. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 193, and therefore deny the same.

194. These Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 194, and therefore deny the same. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 194, and therefore deny the same.

195. These Defendants deny the allegations against them contained in Paragraph 195, including the allegations in subparts (a) – (g). These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 195, including the allegations in subparts (a) – (g), and therefore deny the same.



196. These Defendants deny the allegations against them contained in Paragraph 196, including the allegations in subparts (a) – (h). These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 196, including the allegations in subparts (a) – (h), and therefore deny the same.

197. These Defendants deny the allegations against them contained in Paragraph 197, including the allegations in subparts (a) – (h). These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 197, including the allegations in subparts (a) – (h), and therefore deny the same.

198. These Defendants deny the allegations against them contained in Paragraph 198. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 198, and therefore deny the same.

199. Defendants, at this time, are without sufficient information to admit or deny the allegations of Paragraph 199, and therefore deny the same. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 199, and therefore deny the same.

200. These Defendants deny the allegations against them contained in Paragraph 200. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 200, and therefore deny the same.

201. These Defendants deny the allegations against them contained in Paragraph 201. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 201, and therefore deny the same.

202. These Defendants deny the allegations against them contained in Paragraph 202, including the allegations in the “WHEREFORE” clause following Paragraph 202. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 202, and therefore deny the same.

### **Count X**

203. These Defendants incorporate herein by reference their answers to the allegations of Paragraphs 1 through 202 as if fully stated herein.

204. These Defendants deny the allegations against them contained in Paragraph 204. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 204, and therefore deny the same.

205. These Defendants deny the allegations against them contained in Paragraph 205. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 205, and therefore deny the same.

206. These Defendants deny the allegations against them contained in Paragraph 206. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 206, and therefore deny the same.

207. These Defendants deny the allegations against them contained in Paragraph 207. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 207, and therefore deny the same.

208. These Defendants deny the allegations against them contained in Paragraph 208. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 208, and therefore deny the same.

209. These Defendants deny the allegations against them contained in Paragraph 209. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 209, and therefore deny the same.

210. These Defendants deny the allegations against them contained in Paragraph 210. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 210, and therefore deny the same.

211. These Defendants deny the allegations against them contained in Paragraph 211. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 211, and therefore deny the same.

212. These Defendants deny the allegations against them contained in Paragraph 212. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 212, and therefore deny the same.

213. These Defendants deny the allegations against them contained in Paragraph 213, including the allegations in the “WHEREFORE” clause following Paragraph 213. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 213, and therefore deny the same.

### **Count XI**

214. These Defendants incorporate herein by reference their answers to the allegations of Paragraphs 1 through 213 as if fully stated herein.

215. These Defendants deny the allegations against them contained in Paragraph 215. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 215, and therefore deny the same.

216. These Defendants deny the allegations against them contained in Paragraph 216. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 216, and therefore deny the same.

217. These Defendants deny the allegations against them contained in Paragraph 217. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 217, and therefore deny the same.

218. These Defendants deny the allegations against them contained in Paragraph 218. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 218, and therefore deny the same.

219. These Defendants deny the allegations against them contained in Paragraph 219. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 219, and therefore deny the same.

220. These Defendants deny the allegations against them contained in Paragraph 220. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 220, and therefore deny the same.

221. These Defendants deny the allegations against them contained in Paragraph 221. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 221, and therefore deny the same.

222. These Defendants deny the allegations against them contained in Paragraph 222. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 222, and therefore deny the same.

223. These Defendants deny the allegations against them contained in Paragraph 223. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 223, and therefore deny the same.

224. These Defendants deny the allegations against them contained in Paragraph 224, including the allegations in the “WHEREFORE” clause following Paragraph 224. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 224, and therefore deny the same.

### **Count XII**

225. These Defendants incorporate herein by reference their answers to the allegations of Paragraphs 1 through 224 as if fully stated herein.

226. These Defendants deny the allegations against them contained in Paragraph 226. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 226, and therefore deny the same.

227. These Defendants deny the allegations against them contained in Paragraph 227. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 227, and therefore deny the same.

228. These Defendants deny the allegations against them contained in Paragraph 228. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 228, and therefore deny the same.

229. These Defendants deny the allegations against them contained in Paragraph 229. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 229, and therefore deny the same.

230. These Defendants deny the allegations against them contained in Paragraph 230. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 230, and therefore deny the same.

231. These Defendants deny the allegations against them contained in Paragraph 231, including the allegations in the “WHEREFORE” clause following Paragraph 231. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 231, and therefore deny the same.

### **Count XIII**

232. These Defendants incorporate herein by reference their answers to the allegations of Paragraphs 1 through 231 as if fully stated herein.

233. These Defendants deny the allegations against them contained in Paragraph 233. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 233, and therefore deny the same.

234. These Defendants deny the allegations against them contained in Paragraph 234. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 234, and therefore deny the same.

235. These Defendants deny the allegations against them contained in Paragraph 235. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 235, and therefore deny the same.

236. These Defendants deny the allegations against them contained in Paragraph 236. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 236, and therefore deny the same.

237. These Defendants deny the allegations against them contained in Paragraph 237. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 237, and therefore deny the same.

238. These Defendants deny the allegations against them contained in Paragraph 238, including the allegations in the “WHEREFORE” clause following Paragraph 238. These Defendants, at this time, are without sufficient information to admit or deny the remainder of the allegations of Paragraph 238, and therefore deny the same.

#### **Count XIV**

The allegations in Count XIV are against Defendants other than Defendants Brown and Varner, therefore no response is required. To the extent a response is required, these Defendants answer Count XIV as follows:

239. These Defendants incorporate herein by reference their answers to the allegations of Paragraphs 1 through 238 as if fully stated herein.

240. These Defendants deny the allegations against them contained in Paragraph 240.

241. These Defendants deny the allegations against them contained in Paragraph 241.

242. These Defendants deny the allegations against them contained in Paragraph 242.

243. These Defendants deny the allegations against them contained in Paragraph 243.

244. These Defendants deny the allegations against them contained in Paragraph 244.

245. These Defendants deny the allegations against them contained in Paragraph 245, including the allegations in the “WHEREFORE” clause following Paragraph 245.

### **Count XV**

The allegations in Count XV are against Defendants other than Defendants Brown and Varner, therefore no response is required. To the extent a response is required, these Defendants answer Count XV as follows:

246. These Defendants incorporate herein by reference their answers to the allegations of Paragraphs 1 through 245 as if fully stated herein.

247. These Defendants deny the allegations against them contained in Paragraph 247.

248. These Defendants deny the allegations against them contained in Paragraph 248.

249. These Defendants deny the allegations against them contained in Paragraph 279.

250. These Defendants deny the allegations against them contained in Paragraph 250.

251. These Defendants deny the allegations against them contained in Paragraph 251.



252. These Defendants deny the allegations against them contained in Paragraph 252.

253. These Defendants deny the allegations against them contained in Paragraph 253.

254. These Defendants deny the allegations against them contained in Paragraph 254.

255. These Defendants deny the allegations against them contained in Paragraph 255.

256. These Defendants deny the allegations against them contained in Paragraph 256.

257. These Defendants deny the allegations against them contained in Paragraph 257.

258. These Defendants deny the allegations against them contained in Paragraph 258.

259. These Defendants deny the allegations against them contained in Paragraph 259.

260. These Defendants deny the allegations against them contained in Paragraph 260.

261. These Defendants deny the allegations against them contained in Paragraph 261.

262. These Defendants deny the allegations against them contained in Paragraph 262.

263. These Defendants deny the allegations against them contained in Paragraph 263.

264. These Defendants deny the allegations against them contained in Paragraph 264.

265. These Defendants deny the allegations against them contained in Paragraph 265.

#### **Prayer for Relief**

These Defendants deny the allegations in Plaintiffs' "Prayer for Relief" Paragraph, including the allegations in subparts (a) – (f) thereof.

#### **GENERAL DENIAL**

These Defendants deny all allegations not expressly admitted herein.

#### **REQUEST FOR JURY TRIAL**

These Defendants respectfully request a jury trial of all factual issues.

#### **AFFIRMATIVE DEFENSES**

1. These Defendants deny the allegations made in Plaintiffs' Second Amended Complaint, but any actions were discretionary in nature and taken in good faith and these Defendants are therefore protected from liability by the doctrine of qualified immunity.

2. Plaintiffs' decedent's conduct solely and proximately caused any damage.

3. Plaintiffs' decedent, by his own conduct, consented to any acts or omissions of these Defendants.

4. Plaintiffs' decedent, by his own conduct, consented to the alleged assault and battery mentioned in the Second Amended Complaint by refusing instructions of various correctional officers and refusing to comply.

5. Plaintiffs' decedent assumed the risk of injury by refusing instructions of various correctional officers and refusing to comply.

6. Plaintiffs' decedent, by his own conduct, provoked the alleged assault and battery.

7. Plaintiffs are not entitled to an award of punitive damages against these Defendants in their official capacities, pursuant to the 11th Amendment of the United States Constitution, the Missouri Sovereign Immunity Statute, Section 537.600, RSMo., et seq. (including, but not limited to Section 537.610, RSMo.), and 42 U.S.C. § 1983.

8. Plaintiffs' claims are barred to the extent that the Second Amended Complaint seeks damages under 42 U.S.C. Section 1983 against these Defendants upon the theory of respondent superior.

9. These Defendants deny that punitive damages are submissible or appropriate, but further states that any award of punitive damages shall be limited by Section 510.265.1, RSMo.

10. To the extent Plaintiffs seek punitive damages against these Defendants, these Defendants state: the substantive and procedural laws of the State of Missouri concerning the assessment and imposition of punitive damages are violative of the Fourteenth Amendment to the United States Constitution, in that unlimited jury and/or judicial discretion in the fixing of punitive damages invites extreme results which are

unacceptable under the due process clause of the Fourteenth Amendment of the United States Constitution. Under Missouri law, no reasonable constraints on the exercise of the jury's discretion in awarding punitive damages are furnished by jury instructions (or otherwise), in that the jury is not directed to consider relative factors in quantifying the amount of punitive damages that may be awarded. The absence of directives to the jury to consider relative factors allows impermissible and unconstitutional vagueness and ambiguity in the jury instruction, deliberation and verdict. This vagueness and ambiguity in turn threaten to deprive these Defendants of their property without due process of law.

11. To the extent Plaintiffs seek recovery of punitive damages, the imposition of such punitive damages under the facts of this case would be violative of the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments of the United States Constitution and in violation of Sections 2, 10, 15, 21 and 22(a) of Article I of the Constitution of the State of Missouri. Specifically, these Defendants state that the substantive laws of the State of Missouri concerning the assessment and imposition of punitive damages are unconstitutionally vague and arbitrary; that punitive damages alleged in this case are excessive punishment; and that punitive damages are impermissible under the Fourteenth Amendment to the United States Constitution in that they constitute a fundamental denial of due process of law.

12. To the extent Plaintiffs seek recovery of punitive damages, the request for imposition of punitive damages against these Defendants is highly penal in nature, therefore triggering the protection of the aforesaid sections of the United States Constitution and the Constitution of the State of Missouri. Accordingly, the evidentiary

burden of proof that Plaintiffs must satisfy and fulfill as a condition precedent to the award of punitive damages should be that of “proof beyond a reasonable doubt.”

13. Any damages to Plaintiffs’ decedent were caused, or contributed to be caused, by the fault of Plaintiffs’ decedent, and any recovery herein should be reduced according to his own comparative fault. Specifically, Plaintiffs’ decedent was at fault in refusing instructions of correctional officers while incarcerated, and in other such manners which may be learned in discovery.

14. Any damages, which these Defendants deny, were caused, or contributed to be caused, by the intervening acts or omissions of persons or entities other than these Defendants over whom these Defendants had no control.

15. These Defendants deny any liability to Plaintiffs, but state that any liability shall be limited by the provisions of Section 537.067, RSMo.

16. Plaintiffs’ claims against Defendants Brown and Varner are barred by the doctrine of Official Immunity, inasmuch as these Defendants, at all times relevant hereto, were acting in a discretionary capacity.

17. Defendants Brown and Varner are protected from liability under the Public Duty Doctrine because at all times relevant hereto, they were performing a governmental function in compliance with their duties owed to the general public.

18. These Defendants deny any liability to Plaintiffs, but state that any liability shall be limited by the provisions of Section 538.210, RSMo.

19. Plaintiffs’ claims are barred by sovereign immunity (see Section 537.600, RSMo.).

20. Any liability is limited by Section 537.610, RSMo.

21. Plaintiffs have alleged that multiple actors may be liable for injuries and if any party or parties have made payment or settlement to Plaintiffs prior to trial then in accordance with 537.060, RSMo. the amount of any such payment or consideration made by any party or non-party should be treated as a payment or satisfaction, or partial payment and satisfaction of the damages claimed herein by Plaintiffs for which these Defendants should receive credit towards satisfaction of any damages Plaintiffs might be awarded against these Defendants, and that the amount of such payment or consideration shall be set off against any Judgment that might be entered against these Defendants.

22. Plaintiffs' claims for punitive damages on the Missouri state law claims in the Second Amended Complaint are improper because they have not sought leave of this Court, and any claim for punitive damages is therefore barred by Section 510.261, RSMo. 2020.

23. Any liability, which is hereby denied, is limited by Section 105.711, RSMo.

24. Plaintiff Oriel Moore is not in the first class of beneficiaries statutorily allowed to bring a claim for wrongful death pursuant to Section 537.080.1, RSMo. As decedent Othel Moore, Jr., has a surviving parent who is a party to this case, Plaintiff Oriel Moore is statutorily barred from bringing any claim for wrongful death.

25. Plaintiffs do not have standing to assert the claims in the Second Amended Complaint as they are not the personal representative of decedent Othel Moore, Jr.'s estate.

26. These Defendants incorporate any other affirmative defense plead by any other defendant in this case which may apply to them.

WHEREFORE, having answered Plaintiffs' Second Amended Petition, Defendants Brown and Varner pray that the same be dismissed, allowing them to go hence with their costs herein, and for such further relief as the Court deems just and proper in the premises.

Respectfully Submitted,

SCHREIMANN, RACKERS &  
FRANCKA, L.L.C.

/s/ Ryan Bertels

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Attorneys for Defendants Brown and Varner

### **CERTIFICATE OF SERVICE**

I hereby certify that on May 5, 2025, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the attorneys of record in this case.

/s/ Ryan Bertels